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Letter dated 19 November 2012 from the Chairman of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

On behalf of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and in accordance with paragraph 8 of Security Council resolution 2060 (2012), I have the honour to transmit herewith the report of the United Nations Resident and Humanitarian Coordinator for Somalia on the implementation of paragraphs 5, 6 and 7 of that resolution and on any impediments to the delivery of humanitarian assistance in Somalia (see annex).

I would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) H. S. **Puri**
Chairman
Security Council Committee pursuant to resolutions 751 (1992)
and 1907 (2009) concerning Somalia and Eritrea

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Annex

Letter dated 6 November 2012 from the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator addressed to the Chairman of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

In accordance with paragraph 8 of Security Council resolution 2060 (2012), I have the honour to transmit the requested report on the implementation of paragraphs 5, 6 and 7 of the resolution and on any impediments to the delivery of humanitarian assistance in Somalia (see enclosure).

The humanitarian community working in Somalia wishes to advise that, as in the five previous reports, it maintains the definition of the term "implementing partner" pursuant to paragraph 5 of Security Council resolution 1916 (2010), which is as follows:

> "Implementing partner", a non-governmental organization or community-based organization that has undergone due diligence to establish its bona fides by a United Nations agency or another non-governmental organization, and that reports when requested to the Resident Humanitarian Coordinator for Somalia on mitigation measures. Implementing partners have the following characteristics:
>
> (a) The organization is part of the consolidated appeals process for Somalia or the common humanitarian fund process;
>
> (b) The organization is represented in a cluster's 3W matrix (*Who* does *What* and *Where*).

I remain available should you have any questions about the content of the report or need further clarification on the humanitarian situation in Somalia.

(*Signed*) Valerie **Amos**
Under-Secretary-General for Humanitarian Affairs
and Emergency Relief Coordinator

Enclosure

Report of the United Nations Resident and Humanitarian Coordinator for Somalia

Introduction

1. The present report is the sixth submission pursuant to Security Council resolution 2060 (2012), the successor resolution to resolution 1972 (2011). In paragraph 8 of resolution 2060 (2012), the Council requested the Emergency Relief Coordinator to report to the Security Council by 20 November 2012 on the implementation of paragraphs 5, 6 and 7 of the resolution and on the impediments to the delivery of humanitarian assistance in Somalia, through the support of United Nations agencies and organizations having observer status in the General Assembly that provide humanitarian assistance.

2. This present report covers the period from July to October 2012. It focuses primarily on the regions of Somalia affected by Al-Shabaab, which was listed, pursuant to paragraph 8 of Council resolution 1844 (2008) by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, on 12 April 2010.

3. As in the five previous reports (S/2010/372, S/2010/580, S/2011/125, S/2011/694 and S/2012/546), the present report outlines constraints to humanitarian access and their operational implications, as well as the mitigation measures put in place to address the politicization, misuse and misappropriation of humanitarian assistance. The report is based on information gathered in a survey of relevant humanitarian agencies active in Somalia.

Security situation

4. During the reporting period, the security environment in southern and central Somalia remained volatile. The former Transitional Federal Government and the Federal Government of the Republic of Somalia, together with the African Union Mission in Somalia (AMISOM) and forces supporting the former Transitional Federal Government, such as the Ethiopian National Defence Forces, managed to push back Al-Shabaab from parts of its territory. Al-Shabaab in turn modified its tactics to asymmetrical warfare, targeting AMISOM and allied troops using strategically placed improvised explosive device attacks. The withdrawal of Al-Shabaab from some of its main strongholds resulted in continued insecurity and increased volatility. The northern and north-eastern areas of Somalia remained stable, except for heightened political tension in Puntland, which was exacerbated by occasional clan clashes. In central Somalia, there was a decrease in the number of assassinations. However, clan clashes and surveillance of movements of international staff by local authorities were noted.

Humanitarian situation and response

5. Somalia continued to experience a complex humanitarian emergency. According to the Food Security and Nutrition Analysis Unit, 2.1 million people are in crisis, and an additional 1.7 million people are in a stressed food security situation. However, recent figures, although still high, indicate an improvement in the food security situation compared with the previous reporting period: only two

areas are declared to still be in a state of emergency, owing largely to successive poor rains coupled with insecurity and trade disruptions. The overall improvement in the situation is attributed to sustained humanitarian interventions, improved food stocks, improved availability of milk and higher livestock prices in most pastoral areas.

6. Despite the access challenges outlined below, humanitarian actors continued to find new and different operational modalities to improve delivery to people in need. Approximately 1,079 international and national United Nations humanitarian and development staff were located in Somalia at any given time throughout the reporting period, including an average of 77 internationals in Mogadishu alone. In 2012 to date, humanitarian agencies have assisted over 1.5 million people with access to food, investments in livelihood assets and safety net interventions; almost 700,000 people have been reached with primary/basic and secondary health services; immunization programmes have reached 1.7 million Somali children and women of child bearing age; water, sanitation and hygiene partners reached over 1.6 million people with sustained water interventions; 1.77 million people have been reached through temporary provision of safe water, out of which 1.68 million were from the south; and approximately 858,300 people have been assisted with emergency packages and transitional shelter. Continued efforts to meet immediate needs, protect livelihoods and build resilience are essential to prevent a deterioration in the humanitarian situation.

Constraints on humanitarian access and operational implications

7. During the reporting period, there were noticeable improvements in humanitarian access in major urban areas such as Mogadishu, Baidoa and even Xuddur owing to the increased presence of AMISOM and Somali National Armed Forces. AMISOM forces also took control of key strategic towns in southern Somalia, including Marka, Jilib and Kismaayo, and, at the time of the drafting of the present report, the Somali National Armed Forces and its allied troops were making further gains against Al-Shabaab and securing recaptured areas. However, access to many areas remained difficult.

8. Al-Shabaab remained in control of much of the rural area in south and central Somalia. Al-Shabaab also continues to engage in widespread, sporadic and low-intensity attacks. Following the withdrawal by Al-Shabaab from Kismaayo at the end of September, there was an increase in attacks on military convoys and leading individuals, as well as on officials of the newly formed government. In August, there were increasing numbers of attacks in southern central Somalia, possibly related to the relocation of Al-Shabaab assets in the lead-up to their withdrawal from Kismaayo. The road between Jawhar, Middle Shabelle region and Beledweyne, Hiraan region, remained vulnerable to ambushes from Al-Shabaab, while arrests of national staff of non-governmental organizations denoted that Buurhakaba, a town between Mogadishu and Baidoa, remained under the control of Al-Shabaab.

9. Despite a considerably reduced presence in major towns, Al-Shabaab continued to hinder access and relief in small towns and rural parts of central and southern Somalia. An economic embargo on Xuddur town, in the Bakool region, was initiated in March 2012, affecting the supply of food and basic items to the town's population. Al-Shabaab also imposed high taxes on goods transported by longer routes and extorted citizens around other towns under blockade in the Bay

and Bakool regions. This had an impact on trade, affecting more and more of the urban and rural poor in southern central Somalia. Reports from Buulobarde, Hiraan province, suggested that Al-Shabaab strictly screened vehicles and trucks passing through. Al-Shabaab also denied passage to five trucks carrying returning internally displaced persons from Garoowe to different areas in the southern region. In July 2012, Al-Shabaab suspended all commercial movement to Afmadow town in Lower Juba and warned violators of dire consequences. Farmers' accessibility to markets was severely affected, leading to a steady rise in commodity prices and increased transportation costs. Al-Shabaab also continued to refuse outreach immunization services in areas under its control, leading to increased risk of outbreaks of disease, in particular for malnourished children.

10. In southern central Somalia, there were reports of members of the Somali National Armed Forces and local militia extorting and imposing levies on humanitarian convoys, as well as commercial and civilian vehicles. International non-governmental organizations and United Nations agencies reported that authorities at different levels requested them to hand over humanitarian supplies or to pay fees and staff taxes. There continued to be instances of "gatekeepers" — individuals and organizations who position themselves to harness humanitarian assistance flows for their own personal or political advantage[1] — diverting aid and hindering humanitarian access to people in need and settlements for the internally displaced. Humanitarian partners found that new or interim local or regional administrations did not always mean humanitarian access would be immediate or more predictable.

Risk mitigation measures

11. The risk of diversion of humanitarian aid remains a concern throughout Somalia. As the United Nations country team in Somalia (through agency efforts and the Risk Management Unit) strengthens its risk management regime, and as programming expands throughout Somalia, the Unit is receiving increasing reports of fraud and misappropriation of humanitarian (as well as development) assistance.

12. Risk mitigation has been enhanced since the previous report through the strengthening of the United Nations country team's Risk Management Unit. Since the previous report, the Unit has established a Risk Monitoring Team in Mogadishu and has undertaken monitoring and surveillance missions in Mogadishu and southern central Somalia to assess the quality and effectiveness of aid delivery and to identify existing or potential problems to ensure effective management of risk. The Unit's Contractor Information Management System currently holds data on 1,130 individual contractors and more than 2,000 contracts valued at more than $370 million. The system can also capture information about board members/shareholders, as well as upload risk reports and biodata details of individuals, including photos. The database contains input from nine United Nations agencies, and work is continuing to capture data from other United Nations country team entities. To further enhance its work and provide more robust risk mitigation measures for the United Nations country team in Somalia, the Unit is establishing a memorandum of understanding with the United Nations Office of Internal Oversight Services (OIOS) for the inclusion of an OIOS Investigations Liaison Officer within

[1] See report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011) (S/2012/544, annex).

the team. The Liaison Officer would provide advice on investigations (structure, methodology, expectations), undertake a review and analysis of extraterritorial jurisdiction for potential prosecution or recovery of funding, and support the monitoring activities of the Unit where the collection of evidence or assessment of criminality may be required. The Unit is also actively involved in promoting enterprise risk management throughout the wider United Nations system as well as the international community in Somalia. Innovative structures such as the Risk Management Unit will enable improvements in the implementation of projects, the collection of more inclusive data and reporting on aid programmes in Somalia that is less politicized.

13. In addition to the work undertaken by the Unit, most humanitarian partners in Somalia are advancing in their ability to detect and mitigate risks. Organizations operating in Somalia and surveyed by the Resident and Humanitarian Coordinator for Somalia in the preparation of the present report, and implementing partners and contractors noted that they implement a number of mitigation measures, including: the comprehensive screening of staff; avoiding volatile areas; monitoring of prevention measures implemented to avoid misappropriation (e.g., guarantees that portions of assistance will not be diverted or sold). Partners also held regular discussions with beneficiaries, "gatekeepers" and community leaders. Organizations also reported on mitigation measures put in place to address the risk of financial misappropriation, including: financial monitoring; opportunity and risk appraisals prior to project approval; financial risk assessments; and various audit mechanisms. To monitor project implementation and track related financial transactions, organizations ensure that: standard operating procedures are strictly adhered to; third party monitoring and evaluation projects and microassessments are enacted; and remote management tools are implemented.

Impact of resolutions 1916 (2010) and 1972 (2011)

14. More than two years after the adoption by the Security Council of resolution 1916 (2010) and, later, resolution 1972 (2011), views on the impact of the resolution on donor funding are relatively ambiguous. As stated in previous reports to the Security Council, the general consensus seems to be that, although funding delays occurred initially, the resolutions have generally facilitated the provision of financial and material support to life-saving activities. Paragraph 4 of resolution 1972 (2011) provides for an exemption for a period of 16 months from the provisions of paragraph 3 of resolution 1844 (2008). The non-renewal of the humanitarian exemption would result in delays in the delivery of humanitarian assistance in areas controlled by non-State armed groups.

15. Drawing humanitarian organizations into the sanctions regime has been viewed by some as an erosion of the principles of neutrality and independence. Several organizations therefore continue to operate outside of the exemption regime.

Conclusion

16. The risks associated with the delivery of humanitarian assistance in Somalia remain high. Humanitarian organizations still face impediments while delivering aid. Al-Shabaab continues to limit the number of organizations that are able to operate in areas under its control and to impose restrictive measures on the aid it does accept. District level authorities, unregulated militia and clans continue to

exert control over internally displaced persons by limiting or taxing their access to aid. Access to people in need remains impeded by "gatekeepers", particularly in urban centres, and threats against humanitarian actors due to insecurity remain high. However, extensive and ongoing improvements in monitoring and risk mitigation have significantly enhanced accountability and reduced the misuse and diversion of aid and funding. Moreover, the delivery of aid to meet immediate needs, protect livelihoods and build resilience remains absolutely essential to prevent a regression in the humanitarian situation. As a result of higher levels of accountability and the implementation of due diligence measures, the Emergency Relief Coordinator invites the Security Council to consider reducing the frequency of the present reporting requirement and the renewal of the humanitarian exemption provided in paragraphs 7 and 8 of resolution 2060 (2012).